

**CHAPTER NO. 134**

**HOUSE BILL NO. 978**

**By Representatives Briley, Sherry Jones, Garrett, Robinson, Harwell, West, Pruitt, Langster**

**Substituted for: Senate Bill No. 1845**

**By Senator Henry**

AN ACT to amend Tennessee Code Annotated, Title 8, Chapter 13, Part 1, relative to authorizing an automated system for registering deeds and other instruments from remote sites.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 8-13-108, is amended by adding at the end of the section a new subsection to be appropriately numbered to read as follows:

(1) In counties having a metropolitan form of government with a population of 400,000 or more according to the 1990 Census, the office of register of deeds is authorized to implement an automated system for recording deeds and other instruments from remote locations. Electronic copies of such instruments are to be received within the register's office, reviewed for legibility and form, with any needed corrections, additions, modifications or changes needed to meet legal requirements for recordable form transmitted back to the sender over the system's dedicated lines. Once approved, a digitized label with the appropriate recording number, fees, taxes, date and time is affixed to the document which becomes an officially recorded document and is retained by the register of deeds. A copy of the digitized image is then transmitted back to the sender confirming that the recording has been completed. The register wishing to implement such electronic system may request technical assistance from the office of the Comptroller of the Treasury to advise on matters of system security and reliability.

(2) The office of register of deeds in such county is further authorized to implement a method to accept the optional payment of fees for recording deeds and other instruments by means of electronic funds transfer. The method implemented shall insure that such transfer is properly documented and recorded.

(3) Any register implementing an automated system for recording deeds and other instruments electronically transmitted from remote locations shall file a statement with the Comptroller of the Treasury at least thirty (30) days prior to offering such service. The statement shall contain the following information:

(i) a description of the computer hardware and software to be utilized;

(ii) a description of the procedures to be used to provide electronic recording of deeds and other instruments electronically transmitted from remote locations;

(iii) a description of the system security features;

(iv) a description of register's office personnel who will be responsible for setting up remote users and for monitoring remote access activity;

(v) a description of the types of records or documents to be electronically recorded;

(vi) a description of the integration of the electronic recording system with the register's office other automated systems such as imaging, indexing, fee collection, cash management and accounting;

(vii) a description of the instrument archive, document retrieval, and system backup policies and procedures;

(viii) the estimated cost of the system including development and implementation cost; and

(ix) the estimated cost savings of electronic recording of instruments.

(4) A register which implements an automated system for recording electronically transmitted deeds and other instruments from remote locations shall provide to the Comptroller of the Treasury a post implementation review of the system between twelve (12) and eighteen (18) months after the date a statement as described in this section has been filed with the Comptroller. The review shall include:

(i) an assessment of the system by the register;

(ii) responses from a survey of users of the system; and

(iii) any recommendations for improvements to an automated system for recording deeds and other instruments electronically transmitted from remote locations.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

PASSED: May 5, 1999

  
JIMMY NAIFEH, SPEAKER  
HOUSE OF REPRESENTATIVES

  
JOHN S. WILDER  
SPEAKER OF THE SENATE

APPROVED this 12th day of May 1999

  
DON SINKUQUIST, GOVERNOR